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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,621	01/16/2002	Edith H. Stern	YOR920010485US1	4054

48175 7590 06/16/2005

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EXAMINER	
APPIAH, CHARLES NANA	

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/047,621	STERN ET AL.	
	Examiner	Art Unit	
	Charles Appiah	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30,35-37 and 46-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30,35-37 and 45-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-30, 35-37 and 46-49 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-9, 11-14, 16-20, 22, 24-30, 35-37 and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stewart (5,835,061)** in view of **Ogasawara (US 2002/0177451)**.

Regarding claim 1, Stewart discloses a method for facilitating delivery of data, comprising: determining a data perimeter, which is interpreted as the location associated with a device, wherein the device is associated with a person (access point determines whether the mobile unit is within range of the access point, col. 3, lines 64-67), determining data associated with the person (access point scans mobile unit to determine whether the mobile unit I.D. matches a pre-stored ID, col. 4, lines 1-4), determining a plurality of transmitters based at least in part, on the said data perimeter, wherein the at least one of the plurality of transmitters is capable of transmitting data via a wireless signal to the device (see col. 4, lines 8-21), and providing the data

associated with the person to at least one of the plurality of transmitters (see col. 4, lines 36-55).

However, Stewart fails to clearly disclose where the said data perimeter defines a boundary area.

Ogasawara teaches in paragraph [0008] of a perimeter area being defined as a radio zone, which further can be focused a much narrow defined area called a narrow-area location registration area. See paragraphs [0054-0056]. Additionally, the said narrow-area location registration area is taught in paragraph [0055] as a set local area e.g. restaurant, shopping area, etc., which constitutes a defined boundary area.

It would therefore have been obvious to one of ordinary skill in the art to provide Ogasawara defined narrow-area location registration area with Stewart's geographic-based communication service to specifically define the set location in which information pertinent that specific area can be sent to a user.

Regarding claim 2, Stewart further discloses wherein the determining a location associated with a device; wherein the device is associated with a person (mobile user) includes detecting the presence of the person at the said data perimeter (see col. 4, lines 48-53).

Regarding claim 3, Stewart further discloses wherein the determining data associated with the person includes at least determining the data based, at least in part, on an attribute of the device (see col. 4, lines 1-4), or determining, the data based, at least in part, on a geographic area that includes the location (see col. 4, lines 5-15).

Regarding claim 4, Stewart further discloses wherein the determining data associated with the person includes at least one of the following: determining the data based, at least in part, on an attribute of the person (see col. 4, lines 1-4), determining data to be provided to the device when the device is in the location (see col. 4, lines 56-65).

Regarding claim 5, Stewart further discloses wherein the determining a plurality of transmitters, based, at least in part, on the location, wherein at least one of the plurality of transmitters is capable of transmitting data via a wireless signal to the device includes at least one of the following: selecting at least one of the plurality of transmitters based, at least in part (see col. 4, lines 1-4), on an attribute of the person or the device the location or at least one transmitter that can transmit the signal into a geographic area that includes the location (see col. 4, lines 36-65).

Regarding claim 6, Stewart further discloses the providing the data associated with the person to at least one of the plurality of transmitters includes at least one of the following: providing the data to a transmitter nearest the location or providing an electronic communication that includes the data a communication service, and providing an electronic communication that includes the data to the at least one of the plurality of transmitters (see col. 3, lines 10-18).

Regarding claim 7, Stewart, further discloses receiving a request to provide the data to the person (see col. 4, lines 56-65).

Regarding claim 8, Stewart discloses wherein the request is received from one of the following: the person, and an owner of the data (see col. 4, line 56 to col. 5, line 6).

Regarding claim 9, Stewart further discloses determining the device (see col. 6, lines 3-9).

Regarding claim 11, Stewart further discloses wherein at least one of the pluralities of transmitters is stationary (see AP 10, Fig. 1).

Regarding claim 12, Stewart further discloses wherein at least one of the plurality of transmitters comprises at least one of the following: an apparatus capable of detecting a location of the device, an apparatus capable of detecting proximity of the device (see col. 3, lines 10-26, col. 4, lines 48-65).

Regarding claim 13, Stewart further discloses wherein the data associated with the person includes at least information related to the said data perimeter (see col. 4, lines 58-65).

Regarding claim 14, Stewart further discloses receiving compensation for the providing the data (feature of provision of service billing mechanism, see col. 3, lines 60-63, col. 5, lines 18-21).

Regarding claim 15, the combination Stewart and Ogasawara meets all limitations as applied above to claim 1. Stewart further teaches that updated and pertinent information can be sent to a user based on the location of the user (see col. 7, lines 6-32), suggesting the capability of sending changed information to users. Stewart fails to expressly teach that the data changes from a first time to a second time.

However, since Stewart teaches the capability of sending updated information based on the precise determined location of the user, those of ordinary skill in the art would have appreciated being able to use Stewart's system to provide changed data to users based on the current location and need of the user whenever desired in order to meet unanticipated requests of subscribers dynamically.

Regarding claim 16, Stewart further discloses wherein the data is based, at least in part, on the said data perimeter. (See col. 4, lines 61-65).

Regarding claim 17, Stewart further discloses receiving the data (see col. 7, lines 6-32).

Regarding claim 18, Stewart's teaching as illustrated by the mobile initiating a request for information from the network e.g., the user of the mobile unit finding the location of the nearest ATM by entering the request into the mobile unit which will be received by the nearest AP which forwards this request to for information to the network with the network routing the request to a service and information provider who obtains and transmits the information to the mobile unit through the AP (see col. 7, lines 40-49), reads on providing to a first party an acknowledgment of a receipt of the data by a second party.

Regarding claim 19, Stewart further discloses wherein the location is at least one of the following: a geographic area or a boundary of a geographic area (see col. 5, lines 7-30).

Regarding claim 20, Stewart further discloses providing an indication of a location of at least one of the plurality of transmitters and determining a range of

coverage provided by at least one of the plurality of transmitters (see col. 6, lines 3-26) which cover a data perimeter

Regarding claims 22 and 24, Stewart further discloses wherein the said data perimeter is fixed and has a boundary that is fixed (see col. 3, lines 10-25).

Regarding claim 25, Stewart further discloses establishing and receiving a subscription associated with the person, wherein the subscription entitles the person to receive the data (see col. 5, lines 7-17).

Regarding claim 26, Stewart's teaching of users being able to contract for unlimited access for a fixed fee or for a time billed access as well as being able to maintain service usage records for billing and other purposes being maintained in an automated database (see col. 5, lines 12-21), reads on receiving compensation as a result of providing the data, and determining a compensation due from the person.

Regarding claim 27, Stewart discloses a method for facilitating delivery of data, comprising: determining a location associated with a person (see col. 3, lines 64-67), determining data associated with the person (col. 4, lines 1-4), associating a data perimeter with the person based, at least in part, on the location, the perimeter, as previously stated, at least one transmitter capable of transmitting a wireless signal (see col. 4, lines 8-21), and providing the data to at least one transmitter (see col. 4, lines 36-55).

However, Stewart fails to clearly disclose where the said data perimeter defines a boundary area.

Ogasawara teaches in paragraph [0008] of a perimeter area being defined as a radio zone, which further can be focused a much narrow defined area called a narrow-area location registration area. See paragraphs [0054-0056]. Additionally, the said narrow-area location registration area is taught in paragraph [0055] as a set local area e.g. restaurant, shopping area, etc., which constitutes a defined boundary area.

It would therefore have been obvious to one of ordinary skill in the art to provide Ogasawara defined narrow-area location registration area with Stewart's geographic-based communication service to specifically define the set location in which information pertinent that specific area can be sent to a user.

Regarding claim 28, Stewart further discloses wherein the determining a location associated with a device; wherein the device is associated with a person (mobile user) includes detecting the presence of the person at the said data perimeter (see col. 4, lines 48-53).

Regarding claim 29, Stewart further discloses wherein the associating a data perimeter with the person includes at least determining at least one transmitter that can transmit the signal into a geographic area that includes the (see col. 3, line 64 to col. 4, line 21).

Regarding claim 30, Stewart further discloses wherein providing the data includes at least: providing the data to a transmitter nearest the location or providing an electronic communication that includes the data a communication service, and providing an electronic communication that includes the data to the at least one of the plurality of transmitters (see col. 3, lines 10-18).

Regarding claim 35, Stewart discloses a method for facilitating delivery of data, comprising: determining a data perimeter associated with a person, wherein the data perimeter defines the said location of which the base station transmits, includes at least one transmitter capable of sending a wireless signal (see col. 3, lines 64-67), determining data to be provided to the person and providing the data to the data perimeter (based on inquiry through the AP by a mobile unit to locate the nearest ATM, and the service provider responding with a message such as 'Straight ahead to exit 3, turn right and proceed two blocks, which message is routed to the user through the same AP, see col. 4, lines 58-65). However, Stewart fails to clearly disclose where the said data perimeter defines a boundary area.

Ogasawara teaches in paragraph [0008] of a perimeter area being defined as a radio zone, which further can be focused a much narrow defined area called a narrow-area location registration area. See paragraphs [0054-0056]. Additionally, the said narrow-area location registration area is taught in paragraph [0055] as a set local area e.g. restaurant, shopping area, etc., which constitutes a defined boundary area.

It would therefore have been obvious to one of ordinary skill in the art to provide Ogasawara defined narrow-area location registration area with Stewart's geographic-based communication service to specifically define the set location in which information pertinent that specific area can be sent to a user.

Regarding claim 36, Stewart further discloses wherein the determining data to be provided to a location includes at least receiving a request to provide the data to a person at the location (see col. 4, lines 56-61).

Regarding claim 37, Stewart further discloses wherein determining a data perimeter associated with the location includes at least determining at least one transmitter within the location or determining at least one transmitter that can transmit the signal into a geographic area that includes the location (see col. 3, line 64 to col. 4, line 21).

Regarding claims 46-49, Stewart discloses a system and a computer program product in a computer readable medium for providing data comprising: a memory (22), a communication port (10) and a processor (21, and inherent in AP 10), connected to the memory and the communication port, the processor being operative to: determine a data perimeter associated with a person (see col. 3, line 45 to col. 4, line 21 and col. 4, lines 35-59), determine data to be provided to the person (see col. 4, lines 59-61) and provide the data to the data perimeter (see col. 4, lines 62-65). Stewart fails to explicitly teach that the data perimeter defines a boundary area.

Ogasawara teaches in paragraph [0008] of a perimeter area being defined as a radio zone, which further can be focused a much narrow defined area called a narrow-area location registration area. See paragraphs [0054-0056]. Additionally, the said narrow-area location registration area is taught in paragraph [0055] as a set local area e.g. restaurant, shopping area, etc. which constitutes a defined boundary area.

It would therefore have been obvious to one of ordinary skill in the art to provide Ogasawara defined narrow-area location registration area with Stewart's geographic-based communication service to specifically define the set location of which information pertinent that specific area can be sent to a user.

3. Claims 10, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of **Stewart** and **Ogasawara** as applied to claim 1 above, and further in view of Lee **(6,246,883)**.

Regarding claims 10, 21 and 23, the combination of Stewart and Ogasawara fails to specifically disclose wherein at least one of the plurality of transmitters is mobile and the location has a boundary that is movable.

Lee discloses a mobile base station, which is used for periodically traveling to a particular area and transmitting and/or receiving information to and/or from a user within the area (see col. 1, lines 34-58). According to Lee, the use of a mobile base station facilitates a broad range of wireless services that otherwise may be unavailable such as broadband information like multimedia products which is beyond the capability or practical use of conventional cellular and wireless systems (see col. 2, lines 50-63, col. 3, lines 27-40).

It would therefore have been obvious to one of ordinary skill in the art to use the mobile base station system of Lee with the combination of Stewart's geographic-based communications service and Ogasawara, as this will facilitate a broad range of wireless services such as multimedia services to subscribers which would otherwise be unavailable in conventional cellular or wireless systems without the need for an elaborate and costly wireless infrastructure as taught by Lee.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of **Stewart** and **Ogasawara.**

Regarding claim 15, the combination Stewart and Ogasawara meets all limitations as applied above to claim 1. Stewart further teaches that updated and pertinent information can be sent to a user based on the location of the user (see col. 7, lines 6-32), suggesting the capability of sending changed information to users. Stewart fails to expressly teach that the data changes from a first time to a second time. However, since Stewart teaches the capability of sending updated information based on the precise determined location of the user, those of ordinary skill in the art would have appreciated being able to use Stewart's system to provide changed data to users based on the current location and need of the user whenever desired in order to meet unanticipated requests of subscribers dynamically.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beri et al. (6,353,390) discloses a method and system of configuring a boundary and tracking of an object.

Dussell et al. (5,938721) discloses a position-based personal digital assistant for facilitating completion of a task within a defined geographic location.

Hines et al. (2004/0192337) discloses the provision of dynamic information regarding a wireless device's entry into or exit from a geographically defined 'watched' area.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 571 272-7904. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CA

CHARLES APPIAH
PRIMARY EXAMINER